

Remarks

Claims 1 to 18 are pending in this application. Claims 1 and 10 are the only claims in independent form.

In paragraphs 2 and 3, the Office rejected claims 1 to 18 under 35 U.S.C. §102(e) as being anticipated by United States Patent 6,842,686 to Homeyer et al (hereinafter "Homeyer").

In the following it will be shown that Homeyer does not disclose every element of the claimed invention as required for a rejection under 35 U.S.C. §102(e).

Homeyer discloses a method and an arrangement for controlling the drive unit of a vehicle. In a first step, input quantities, which are independent of the drive unit, are applied to form a first input quantity. In a second step, a second input quantity is formed from this first input quantity and at least one engine-specific input quantity, the second input quantity influencing at least an actuating quantity of the drive unit. In addition, an interface is described between the engine-independent part and the engine-specific part of the engine control. Boundary conditions or characteristics are associated with the different desired value input quantities which represent the mode of the transformation of the desired value input quantities. Depending on the example of use, one or more characteristics can be associated with the desired value input quantity so that the term "characteristics" should be understood as a characteristic vector in which the various characteristic quantities are entered. Characteristics of desired value input quantities are, for example, the required

dynamic in the adjustment of the desired value input quantity, the priority of the desired value input quantity, the magnitude of the torque reserve to be adjusted and/or the comfort of the adjustment, for example, change limiting (see, column 3, line 11 to 25).

In one embodiment, the desired quantities are compared to each other, for example, in the context of minimum and maximum selection steps. As a result, a resulting torque desired value and the corresponding characteristic are transmitted further. In other embodiments, for coordination, for example, a characteristic is selected in the context of a corresponding selection (for example, the smallest actuating time) and the desired values or the quantities derived therefrom are coupled to each other for the formation of a resulting value (see column 3, lines 53 to 62). At least one specific characteristic is assigned to each of the listed desired quantities, for example, a specific actuating time, from which a resulting characteristic vector is formed in correspondence to the torque coordination in the coordinator 100 (column 4, lines 20 to 25). The output quantities of the coordinator 104 are a desired value for the inner engine torque, that is, the engine torque which is generated by combustion, and a corresponding characteristic vector (column 4, lines 44 to 47). In the simplest case, the desired torques are selected on the basis of maximum and minimum value selection stages and the characteristics, which are assigned to the selected desired torque, as well as, where applicable, the state and input quantities as resulting characteristics are assumed (column 6, lines 34 to 39). A

concrete example is given in column 5. Here, a driver command torque is determined in accordance, for example, with a characteristic field, for example on the basis of the engine rpm and the degree of actuation of the accelerator pedal by the driver. This driver command torque defines a propulsion torque. At least a characteristic, for example, an actuating time within which the driver command torque is to be adjusted, is assigned to the driver command torque. If the vehicle is equipped with a road speed controller or an adaptive road speed controller, then a torque desired quantity and assigned characteristic quantities (actuating time, activating condition of the controller, et cetera) are formed there. In the coordinator 204, the quantities, which are transmitted from the driver command determination and from the speed controller, are coordinated. Accordingly, for example, for a switched on road speed controller, the desired torque and the predicted torque, which was determined by the road speed controller, are transmitted further. Correspondingly, the characteristic vector, which is assigned to this torque, is transmitted further, for example, with respect to the actuating time. If the road speed controller is switched off, then the coordinator 204 enables the corresponding driver command quantities. In addition, this coordinator transmits, for example, the driver command desired torque including characteristics when this is greater than the speed controller desired torque (see column 5, lines 26 to 63).

Accordingly, in Homeyer, a coordination of the desired value input quantities is obviously independent of the characteristic assigned to it. The desired value input quantities resulting

from this coordination are then again assigned to their original characteristics, in particular the actuating time. The resulting desired value input quantity is then, according to its characteristics, realized and transmitted to a further engine-specific coordination. Alternatively, the characteristics of the different desired value input quantities are coordinated independently of the desired value input quantities to form a resulting characteristics vector, which is assigned to the resulting desired value input quantity.

However, claim 1 requires:

"...forming a desired value which considers said desired value input quantities in a sequence of their priorities." (emphasis added).

Claim 10 has a similar feature and limitation.

Applicant submits that, despite the Office's apparent assertion to the contrary, this feature of the claimed invention is neither disclosed nor indicated in Homeyer.

Rather, in Homeyer, the coordination or the consideration of the desired value input quantities for the formation of the desired value takes place on the basis of maximum and minimum value selection stages (column 6, lines 35 to 55). Thus, the desired value input quantities are only coordinated according to their own magnitude and not according to their assigned actuating time. This becomes apparent from the example in column 5 of Homeyer, in which the coordinator transmits, for example, the driver command desired torque including the characteristics when the driver command desired torque is greater than the speed controller desired torque (column 5, lines 60 to 63).

Consideration of the desired value input quantities in dependence of the desired value input quantities, in particular in sequence of their priorities, is thus not disclosed by Homeyer.

Accordingly, applicant has shown above that claim 1 as well as claim 10 are not anticipated or made obvious by the cited prior art. These claims should therefore be allowable. Claims 2 to 9 and 11 to 18, which are directly or indirectly dependent from claims 1 and 10, respectively, should therefore also be allowable.

Reconsideration of the application is respectfully requested.

Respectfully submitted,



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